

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**IN RE 2014 RADIOSHACK ERISA
LITIGATION**

THIS DOCUMENT RELATES TO:

ALL ACTIONS

MASTER FILE NO. 4:14-cv-00959-O

**NOTICE OF SETTLEMENT AND
EXPEDITED JOINT AND UNOPPOSED MOTION TO EXTEND
TIME FOR FILING MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT**

Plaintiffs Manoj P. Singh, Jeffrey Snyder, and William A. Gerhart (collectively, “Plaintiffs”), and Defendants Wells Fargo Bank, NA (“Wells Fargo”) and Banco Popular de Puerto Rico (“Banco Popular”) (and collectively with Wells Fargo, the “Trustee Defendants”),¹ by and through their undersigned counsel, file this notice of Settlement and respectfully request this Court to extend the deadline for Named Plaintiffs to file their Motion for Preliminary Approval of the parties’ proposed Settlement (the “Trustee Defendants Settlement” or the “Trustee Defendants Settlement Agreement”) until (i) January 22, 2016 (if the upcoming mediation between Plaintiffs and the Nonsettling Defendants is unsuccessful), or (ii) a date on which the Court establishes for submission of a motion for preliminary approval of a global settlement of all matters at issue in the above-captioned case (the “Action”) (if the upcoming mediation between Plaintiffs and the Nonsettling Defendants is successful). In further support of this Joint Motion, the Parties state as follows:

¹ Plaintiffs and the Trustee Defendants are collectively referred to as the “Parties.”

1. Initial Term Sheet. The Parties notified the Court on November 25, 2015 that Plaintiffs had agreed to a Settlement of all claims against the Trustee Defendants in the Action. The Parties further noted that they had executed a Term Sheet that outlines the principal terms of the Trustee Defendants Settlement. On the same day, the Court entered an Order at the Parties' request providing, among other things, that Plaintiffs must file their motion for preliminary approval of the Settlement by December 21, 2015. *See* Dkt. No. 130.

2. December 17 Brief Continuance Motion. On December 17, 2015, the Parties filed their first joint motion requesting additional time to file their motion for preliminary approval of the Trustee Defendants Settlement, noting that due to the intricate and complex nature of the proposed Trustee Defendants Settlement, the Parties needed additional time to finalize the Trustee Defendants Settlement Agreement. *See* Dkt. No. 133. That request was granted, and the Court ordered that the preliminary approval papers be filed by January 7, 2016. *See* Dkt. No. 134.

3. Executed Settlement. Since that time, the Parties have cooperatively and diligently worked to finalize the Trustee Defendants Settlement Agreement and associated necessary court filings. *The Parties are pleased to report that they have executed the Trustee Defendants Settlement Agreement and are otherwise prepared to submit the relevant documentation to the Court to begin the preliminary approval process.*

4. Court-Ordered Mediation. Since the deadline to file preliminary approval papers was extended to January 7, 2016, the Court ordered a Settlement Conference between Plaintiffs and the Nonsettling Defendants before Magistrate Judge Stickney, which is to occur on January 12, 2016. *See* Dkt. No. 140.

5. Coordination to Avoid Confusion. In light of the possibility that the Settlement Conference may result in a settlement between Plaintiffs and the Nonsettling Defendants, which would resolve the entire Action, the Parties believe that it would be beneficial to postpone the filing of the preliminary approval papers until after the Settlement Conference has concluded. If the Settlement Conference produces a settlement, it would be more efficient and less confusing—for all parties to the Action, the Court, and the putative class members—for there to be a single request for preliminary and final approval and a single notice regime. This would save resources for all parties in the Action and reduce the risk of confusion to putative class members by receiving multiple notices regarding the same underlying Action. Additionally, having separate notices will result in less distributable funds to the settlement class. If the Settlement Conference does not produce a settlement, the preliminary approval papers related to the Trustee Defendants Settlement will have been postponed by fifteen days, which will not cause any harm to the putative class or any other party to this Action.

6. Relief Requested. Accordingly, the Parties jointly respectfully request a short extension until (i) January 22, 2016 (if the upcoming mediation between Plaintiffs and the Nonsettling Defendants is unsuccessful), or (ii) a date on which the Court establishes for submission of a motion for preliminary approval of a global settlement of all matters at issue in the Action (if the upcoming mediation between Plaintiffs and the Nonsettling Defendants is successful) for the filing of Named Plaintiffs' motion for preliminary approval of the Trustee Defendants Settlement and supporting papers. This short extension will conserve judicial resources and provide efficiencies to the Parties and the putative class.

7. This Joint Motion is made in good faith and not for any dilatory purpose.

WHEREFORE, for the reasons stated above, the Parties respectfully request that this Court enter the Order submitted contemporaneously herewith extending Named Plaintiffs' time to file their motion for preliminary approval of the settlement until (i) January 22, 2016 (if the upcoming mediation between Plaintiffs and the Nonsettling Defendants is unsuccessful), or (ii) a date on which the Court establishes for submission of a motion for preliminary approval of a global settlement of all matters at issue in the Action (if the upcoming mediation between Plaintiffs and the Nonsettling Defendants is successful).

Dated: January 7, 2016

Respectfully Submitted,

/s/ Roger L. Mandel

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CERTIFICATE OF CONFERENCE PURSUANT TO L.R. 7.1(b)

This Motion is unopposed. On January 7, 2016, counsel for the Nonsettling Defendants were contacted by Plaintiffs' counsel via email, and counsel for the Nonsettling Defendants indicated that they do not oppose the motion.

/s/ Mark K. Gyandoh

Mark K. Gyandoh

CERTIFICATE OF SERVICE

I hereby certify that on January 7, 2016, I electronically filed the foregoing with the clerk of Court using the CM/ECF system, which will send a notification to all counsel of record in this Action.

/s/ Roger L. Mandel

Roger L. Mandel